

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|-------------------------------|---|----------------------|
| JAMES LYNN GARRETT and |) | |
| SHANNON MARIE GARRETT |) | |
| |) | Judge Guzman |
| Plaintiffs, |) | |
| |) | Magistrate Judge Cox |
| v. |) | |
| |) | Case No.: 07 C 6882 |
| ILLINOIS STATE TOLL HIGHWAY |) | |
| AUTHORITY, JIMMI MARSHALL, |) | |
| FREDDY DICKERSON, MARIO |) | |
| CALABRESE, PAUL EDWARD |) | |
| GONZALEZ, JOHN BENDA, |) | |
| DONALD J. McLENNAN, STEVEN T. |) | |
| MUSSER, and MICHAEL ZADEL |) | |
| |) | |
| Defendants. |) | |

**RULE 26(f) PROPOSED DISCOVERY PLAN PER FORM 35
EFFECTIVE 12-01-06 AND
CLERK NOTIFICATION OF 12-11-07**

Pursuant to Federal Rule of Civil Procedure 26(f), the parties by way of counsel met in Chicago.

The plaintiffs were represented by:

JOHN M. DUGAN
JOHN M. DUGAN & ASSOCIATES
6114 North Tripp Avenue
Chicago, Illinois 60646
Telephone: 312-576-5313
Facsimile: 773-202-8227

The defendants were represented by:

Larry Richard Wikoff, Esq.
Assistant Attorney General
Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove, IL 60515-1705
Telephone: 630-241-6800 ext 1505

Pending Motions

The defendants seek to have the pending matter dismissed pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/2-619. The plaintiffs contest the motion and ask for a ruling instant.

IF THE CASE REMAINS PENDING, THE PLAINTIFFS PROPOSE THE FOLLOWING WHICH THE DEFENDANTS HAVE CHOSEN NOT TO COMMENT ON:

Initial Disclosure

Parties shall exchange the information required by Federal Rule of Civil Procedure 26(a)(1) on or before February 20, 2008.

Discovery Plan

Discovery will be needed on the following subjects: Liability and damages.

All discovery shall be commenced in time to be completed by **August 6, 2008**.

A maximum of 50 interrogatories shall be propounded by each party to any other party. Responses shall be due 30 days after service.

A maximum of 100 requests for admission shall be propounded by each party to any other party. Responses shall be due 30 days after service.

The depositions of the individuals deposed in connection with the case of JIMMI MARSHALL v. JAMES GARRETT, et al. Illinois State Court Case No: 06 L 647 consolidated with the case MARISSA LINGAFELTER v. OVERNITE TRANSPORTATION COMPANY, et al. Illinois State Court Case No: 06 L 1810 shall not be deposed without the agreement of the parties or the approval of this court. The depositions of the individuals deposed in the state cases shall stand as depositions taken in this case. There shall be a maximum of 5 additional depositions by plaintiffs and 5 additional depositions by defendants. Each deposition is limited to a maximum of 7 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) are due from plaintiffs by **April 30, 2008**.

Reports from retained experts under Rule 26(a)(2) are due from defendants by **June 2, 2008**.

Supplementations under Rule 26(e) are due **August 1, 2008**.

Other Items

The possibility of settlement cannot be evaluated at this time.

The parties request that an initial settlement conference be scheduled with the Court in **March 2008** (preferably March 4, 2008 at 2:00 p.m.).

Plaintiffs should be allowed until **March 31, 2008** to join additional parties and until **March 31, 2008** to amend the pleadings.

Defendants should be allowed until **April 30, 2008** to join additional parties and until **April 30, 2008** to amend the pleadings.

All potentially dispositive motions with supporting memorandum should be filed by **September 5, 2008**.

All responses to dispositive motions with supporting memorandum should be filed by **September 26, 2008**.

All replies in support of dispositive motions with supporting memorandum should be filed by **October 10, 2008**.

Final Pretrial Order including lists of witnesses and exhibits under Rule 26(a)(3) shall be due **October 30, 2008**.

Final Pretrial Conference at 3:00 p.m. on **November 14, 2008**.

The case is set for trial at 9:00a.m. **December 1, 2008** and is expected to take approximately one week.

Dated: February 1, 2008

Respectfully submitted,

S/John M. Dugan

JOHN M. DUGAN
Attorney for Plaintiff

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